

### REMARKS

The applicants have carefully reviewed and considered the official action and the reference cited therein. Claims 21-23 and 25-27 have been amended for clarity. Support for all amended claims can be found in the specification and claims as originally filed, and no new matter has been added by these amendments.

Reconsideration and withdrawal of the rejections are respectfully requested in view of the foregoing amendment and following remarks.

This response is timely filed as it is accompanied by a petition for a one month extension of time and the required fee.

### Claim Rejections

Claims 21-27 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,748,296 to Banerjee et al. ("Banerjee"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987). Each of claims 21-27 now recites an electronic compartment system, or a method of operating an electronic compartment system comprising, in part, a first operating mode in which at least one storage compartment is used in a vending system and a second operating mode in which at least one compartment is used in a logistics system for sending and/or picking up goods.

Banerjee fails to disclose or suggest two operating modes.

Banerjee discloses a vending machine and a mechanism, which is connected to a server over a network, for dispensing a content of a compartment upon receipt of payment. However, Banerjee fails to disclose operating the vending machine in two different operating modes. Moreover, there is no indication that the vending machine of Banerjee could be used in a logistics system. Rather, the Banerjee vending machine accepts an item into a

compartment and dispenses the item upon payment. *See* Banerjee, col. 2, lines 1-4. There is no suggestion that the Banerjee vending machine could be operated in two different operating modes. Thus, none of claims 21-27 can be anticipated or rendered obvious by Banerjee.

Applicants respectfully request withdrawal of the rejection of claims 21-27.

An advantage of operating a storage compartment system in two different operating modes is that utilization of the compartments is maximized. *See* the instant application, page 9, first paragraph. Because compartment utilization is maximized, the storage compartment system of the instant application is highly efficient and thus more profitable. In other words, the claimed method and apparatus allow a storage compartment system to be used simultaneously as a parcel compartment system and a vending machine. Certain storage compartments may be used to dispense pre-ordered or pre-stocked goods, while compartments not used for dispensing goods may be used in as parcel compartments for dispensing and/or accepting mail pieces or postal parcels. *See* the instant application, page 17, last paragraph. None of these advantages are realized in the Banerjee device because the Banerjee device only has one operating mode.

### **Conclusion**

The rejection of claims 21-27 as being anticipated is respectfully traversed, as it is submitted that the recited elements of amended claims 21 and 27 are not shown in applied reference.

Accordingly, the examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By: 

Michael A. Chinlund  
Reg. No. 55,064  
Agent for Applicants

July 19, 2007

6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300